

MINUTE ITEM

20. VALIDITY OF A LEGISLATIVE GRANT OF TIDE AND SUBMERGED LANDS TO THE CITY OF CORONADO, SAN DIEGO COUNTY - W.O. 3376.

Following presentation of Calendar Item 5 attached, the Executive Officer reported that a telegram had been received from Mrs. John G. Thompson of the City of Coronado, reading: "As a California taxpayer-resident of California since 1940 and property-owner-taxpayer of Coronado since 1946, I demand that the Lands Commission report the matter of the grant to the City of Coronado in Chapter 1839, Statutes of 1953, to the City of Coronado, to the appropriate legislative interim committee. I regard this grant of tide and submerged land to the City of Coronado and the subsequent gift of this land to a private and exclusive organization an unjustifiable precedent establishing violation of the statutes of the State of California. Further, again request that the use of other tide and submerged land for 14-story apartment buildings, as opposed to the uses prescribed by the statutes, be denied as I have many times previously requested." (Punctuation added.)

In response to a question by Chairman Cranston, the Executive Officer reported that copies of the Attorney General's opinion had been sent to the City Attorney of the City of Coronado, and also that it had been discussed at length by the staff with Mrs. John G. Thompson. It was pointed out that many legal problems are involved in the Coronado matter which are not within the normal administrative scope of the State Lands Commission.

Deputy Attorney General Jay L. Shavelson stated that although it is definitely the opinion of the office of the Attorney General that the grant is defective in some way, it is not clear exactly what the Legislature's intent would be in light of any existing defects, and therefore it may be desirable to determine whether the Legislature would prefer to demand a consideration for the grant to establish its legality, or whether the Legislature wants the lands to revert to the State.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE COMMISSION DIRECTS THE EXECUTIVE OFFICER TO REPORT THE QUESTION RELATING TO THE VALIDITY OF THE GRANT TO THE CITY OF CORONADO, CHAPTER 1839, STATUTES OF 1953, TO THE APPROPRIATE LEGISLATIVE INTERIM COMMITTEE FOR SUCH STUDY AND ACTION, IF ANY, AS SUCH LEGISLATIVE BODY DEEMS ADVISABLE.

Attachment

Calendar Item 5 (1 page)

CALENDAR ITEM

5.

VALIDITY OF A LEGISLATIVE GRANT OF TIDE AND SUBMERGED LANDS TO THE CITY OF CORONADO, SAN DIEGO COUNTY - W.O. 3376.

The Legislature has made various legislative grants of tide and submerged lands to the City of Coronado. One of such grants, specifically Chapter 1839, Statutes of 1953, fails to express consideration for the grant. The State Lands Commission has previously asked the informal opinion of the office of the Attorney General as to the validity or constitutionality of this "release" statute. The office of the Attorney General has indicated that there is an element of doubt and that it is possible that the grant may be defective legally.

The Legislature has expressed its intention to have the involved lands released from the tidelands trust. The question of constitutionality of legislation is not ordinarily within the purview of the State Lands Commission. It is the Commission's function wherever possible to effectuate legislative intent.

IT IS RECOMMENDED THAT THE QUESTION RELATING TO THE VALIDITY OF THE GRANT TO THE CITY OF CORONADO, CHAPTER 1839, STATUTES OF 1953, BE REPORTED TO THE APPROPRIATE LEGISLATIVE INTERIM COMMITTEE FOR SUCH STUDY AND ACTION, IF ANY, THAT SUCH LEGISLATIVE BODY DEEMS ADVISABLE.